

### **REMARKS**

This is in response to the Office Action dated September 7, 2005. Claims 2-5, 16-18 and 25-31 have been canceled. Thus, claims 1, 6-15 and 19-24 are now pending.

#### **Rejection based on Ebisawa**

Claim 15 stands rejected under 35 U.S.C. Section 102/103 over Ebisawa (US 6,472,072). This rejection is respectfully traversed for at least the following reasons.

Claim 15 as amended requires “the coated article following heat treatment, measured monolithically, has a sheet resistance of less than 2.1 ohms/square, a haze value of less than or equal to 0.35, and a visible transmission of at least 80%.” Ebisawa fails to disclose or suggest these features of claim 15. Ebisawa’s examples evidence that Ebisawa cannot achieve these characteristics; see Ebisawa at col. 7, lines 41-43; col. 9, lines 6-7; col. 10, lines 14-17 and 34-37; col. 11, line 36; and col. 12, lines 24 and 39. These portions of Ebisawa show that Ebisawa fails to disclose or suggest, after heat treatment, a visible transmission of at least 80% and a sheet resistance ( $R_s$ ) of less than 2.1 ohms/square. In fact, these portions of Ebisawa illustrate that Ebisawa cannot achieve these claimed features. The rejection based on Ebisawa should be withdrawn.

#### **Rejection based on Hartig**

Claim 15 stands rejected under 35 U.S.C. Section 102/103 over Hartig (US 2002/0102352). This rejection is respectfully traversed for at least the following reasons.

Claim 15 as amended requires “the coated article following heat treatment, measured monolithically, has a sheet resistance of less than 2.1 ohms/square, a haze value of less than or equal to 0.35, and a visible transmission of at least 80%.” Hartig fails to disclose or suggest these features of claim 15. Hartig’s examples evidence that Hartig cannot achieve the claimed

combination of sheet resistance less than 2.1 and visible transmission of at least 80%. For instance, Table 2 in paragraph [0039] of Hartig shows that this example cannot achieve either of a sheet resistance less than 2.1 or a visible transmission of at least 80%. Moreover, the example in Table 3 of Hartig in paragraph [0041] shows that this example cannot achieve a sheet resistance of “less than 2.1” as called for in claim 15. The rejection based on Hartig should be withdrawn.

*Rejections based on Neuman*

Claims 1 and 15 stand rejected under 35 U.S.C. Section 102/103 over Neuman (US 2004/0005467). This rejection is respectfully traversed for at least the following reasons.

Claims 1 and 15 as amended each require that the coated article following heat treatment, measured monolithically, has a sheet resistance of less than 2.1 ohms/square, a haze value of less than or equal to 0.35, and a visible transmission of at least 80%.”

Neuman fails to disclose or suggest these features of claims 1 and 15. Neuman’s examples evidence that Neuman cannot achieve this claimed combination of a sheet resistance less than 2.1 and a visible transmission of at least 80%. For example, Examples 2-4 of Neuman set forth in Table 8 of cannot achieve either of a post-HT sheet resistance of less than 2.1 or a visible transmission of at least 80%. Moreover, Examples 5-10 in Table 9 of Neuman and Example 1 in Table 7 of Neuman cannot achieve a post-HT sheet resistance of less than 2.1 as required by claims 1 and 15. Moreover, there is no suggestion in the cited art of how to modify Neuman to meet these requirements of claims 1 and 15. The rejection based on Neuman should be withdrawn.

Obviousness-type double patenting rejections

While applicant does not necessarily agree with the obviousness-type double patenting rejections, applicant will be willing to file a terminal disclaimer to render the same moot once the application is otherwise in condition for allowance.

Conclusion

It is respectfully requested that the art rejections based on Ebisawa, Hartig and Neuman be withdrawn. The claims define over each of these references. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

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